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March 27, 2020

**BY ECF**

Honorable John G. Koeltl  
United States District Judge  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: Angel Rivera v. City of New York, et al., 19-CV-0371 (JGK) (KHP)

Your Honor:

I am the Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney representing defendants in the above-referenced matter. In light of the public health pandemic, I write to request a 90-day stay of the May 4, 2020 Discovery Deadline, to August 4, 2020. This is defendants' first such request and plaintiff does not consent to the request.

Briefly, by way of background, Your Honor issued a Scheduling Order on November 7, 2019, ordering the deadline for discovery to be May 4, 2020. (DE 45) Since then, the parties have been actively engaging in discovery and settlement discussions. Should settlement not ultimately be fruitful, defendants intend to take depositions of plaintiff and of a third party identified in plaintiff's Fed. R. Civ. P. 26(a) disclosures.

As the Court is aware, the country is currently grappling with the COVID-19, or coronavirus, pandemic. On March 7, 2020, Governor Andrew Cuomo declared that New York is in a state of emergency because of the rapidly developing pandemic situation. On March 13, 2020, Mayor Bill de Blasio followed suit, and declared New York City to be in a state of emergency as well.

That same day, the United States District Court for the Southern District of New York ("Southern District") issued Standing Order 20 MISC 138, which encouraged individual judges to conduct court proceedings by phone and video conferencing where practicable. Also on March 13, 2020, the Southern District issued Standing Order 20 MISC 015, which suspended and tolled service of process requirements and deadlines. On March 16, 2020, the Southern District issued a Revised Standing Order further limiting access to courthouses.

In light of pronouncements from government and judicial officials, associated policies, expert recommendations, and the further spread of COVID-19, the New York City Law Department, along with the majority of employers in New York City and State, has instructed

that individuals should work from home to ensure compliance with public policy directives, and to protect individuals from further community spread of the virus.

Of course, working from home creates a number of challenges that directly impact this litigation, particularly as the parties work to complete document discovery and depositions. For example, discovery will require depositions of defendant officers, who will be removed from the vital core functions of their offices for the depositions themselves and preparation sessions.

In light of the challenges posed by the public health situation, defendants respectfully request a 90-day stay of this matter, until August 4, 2020.

Defendants thank the Court for its consideration herein.

Respectfully submitted,

*Giancarlo Martinez*

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**BY ECF**

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